

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION (AKRON)

IN RE:)	
)	CASE NO. 20-BK-50403
)	
JOHN NISLY, III)	
NICOLE L. NISLY)	CHAPTER 13
)	
)	
Debtor)	JUDGE: KOSCHIK

OBJECTION TO TRUSTEE’S RECOMMENDATION FOR TREATMENT OF CLAIM

On February 23, 2021, Trustee Keith Rucinski recommended to the Court that the trustee pay the Huntington claim (#06-1) in the amount of \$5,459.33 because it was not listed in the Chapter 13 plan. At the time of filing, the debtors had two 2011 Ford Edges with two different banks – State Farm and Huntington. The monthly payments for these two vehicles were \$219 (State Farm) and \$191 (Huntington), respectively, for a monthly vehicle total of \$410. This amount is listed on all the original schedules.

In August, 2020, Debtor Nicole Nisly traded in her Ford Edge and purchased a cheaper car, lowering her monthly payment to \$179. After this purchase, the monthly vehicle total for two vehicles became \$370. In the September 2020 Chapter 13 Plan, section 3.1, State Farm Bank was singularly identified with the total monthly vehicle payment of \$370. This line item should have said State Farm/Huntington, because it subsumed both car payments. Thus, although it was not obvious, the Huntington debt was included in the plan in section 3.1.

Since the filing of this case, the \$191 Huntington monthly payment on the \$5,459.33 debt has been paid by the Debtor outside of the plan, and the account is current. Because the Huntington claim is, and always has been, paid outside the plan, the Trustee does not need to address or pay this claim.

Therefore, Debtor Nicole Nisly hereby Objects to the Trustee paying the \$5,459.33 Huntington claim because it will result in double payments to Huntington. The proper approach to this matter is to overrule the Trustee's recommendation and leave the status quo – the Trustee paying on all claims except for the mortgage and two vehicles (State Farm and Huntington) being paid outside of the plan.

Respectfully submitted,

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